

IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
MAGISTRATE MINUTES

**FILED**  
DISTRICT COURT OF GUAM

AUG 12 2005

MARY L.M. MORAN  
CLERK OF COURT

CASE NO. MG-05-00037

DATE: 8/11/2005

HON. JOAQUIN V. E. MANIBUSAN, JR., Magistrate Judge, Presiding

Law Clerk: Judith Hattori

Court Recorder & Courtroom Deputy: Leilani Toves Hernandez

Hearing Electronically Recorded: 2:15:59 - 2:36:05

CSO: B. Pereda

\*\*\*\*\* APPEARANCES \*\*\*\*\*

DEFT: MICHAEL C. BRILES

(X) PRESENT (X) CUSTODY ( ) BOND ( ) P.R.

ATTY : JOHN GORMAN

(X) PRESENT ( ) RETAINED (X) FPD ( ) CJA APPOINTED

U.S. ATTORNEY: STEVE CHIAPPETTA

AGENT:

U.S. PROBATION: STEVE GUILLIOTT

U.S. MARSHAL: W. GRAY

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PROCEEDINGS: INITIAL APPEARANCE RE INFORMATION / PLEA

- ( ) FINANCIAL AFFIDAVIT REVIEWED AND ACCEPTED: \_\_\_\_\_, ATTORNEY APPOINTED  
(X) DEFENDANT SWORN AND EXAMINED: AGE: 24 SCHOOL COMPLETED: G.E.D.  
( ) DEFENDANT ARRAIGNED AND ADVISED OF THEIR RIGHTS, CHARGES AND PENALTIES  
(X) COURT QUESTIONS DEFENDANT REGARDING HIS PHYSICAL AND MENTAL CONDITION, AND ADVISES DEFENDANT OF THE NATURE AND POSSIBLE CONSEQUENCES OF SAID PLEA  
( ) DEFENDANT WAIVES READING OF ( ) COMPLAINT ( ) INFORMATION ( ) INDICTMENT  
(X) PLEA ENTERED: (X) GUILTY ( ) NOT GUILTY - TO: COUNT I AND II  
( ) COUNT(S) \_\_\_\_\_ DISMISSED ON GOVERNMENT'S MOTION  
( ) PLEA AGREEMENT FILED: \_\_\_\_\_ PLEA: (X) ACCEPTED ( ) REJECTED  
( ) COURT ORDERS PLEA AGREEMENT SEALED  
( ) COURT REJECTS PLEA AGREEMENT AND REFERS IT TO: \_\_\_\_\_ FOR RECOMMENDATION.  
(X) SENTENCING DATE: NOVEMBER 10, 2005 at 10:30 A.M.  
(X) PRESENTENCE REPORT ORDERED AND DUE: OCTOBER 5, 2005  
( ) DEFENDANT TO BE RELEASED ON BOND (see release conditions on page 2)  
(X) DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL SERVICE FOR ( ) PROCESSING (X) DETENTION  
( ) DETENTION HEARING REQUESTED BY GOV'T DEFT IS SET FOR: \_\_\_\_\_ at \_\_\_\_\_  
( ) DEFENDANT RELEASED ON BAIL AS PREVIOUSLY ORDERED BY THIS COURT

NOTES:

The Court appointed the Federal Public Defender to represent the defendant and stated that an order will follow. Defendant orally consented to his plea before a U.S. Magistrate Judge and waived his right to trial and sentencing before a district judge.

Defense argued for release of the defendant. Government had no position. The Probation Officer advised the Court of the status of the defendant's local and off-island case and his position regarding the defendant's release.

The Court stated its concern regarding the defendant's housing situation and the safety of the community. Defense was advised to submit the appropriate motion for release once a place of residence is secured for the defendant. Counsel had no objection.